

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

The Probst Group, LLC,
Plaintiff,

Case No. _____

v.

Colony Insurance Company.,
Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Colony Insurance Company (“Colony”) hereby gives notice of removal of the above-captioned case currently pending in the Dane County Circuit Court, State of Wisconsin, to the United States District Court for the Western District of Wisconsin. In support of its Notice of Removal, Colony states as follows:

1. On or about September 21, 2023, Plaintiff The Probst Group, L.L.C. (“Plaintiff”) commenced a civil action in the Dane County Circuit Court in the State of Wisconsin.
2. Colony was served a copy of the summons and complaint via its registered agent on October 3, 2023 pursuant to Wisconsin Statutes § 801.11. A true and correct copy of the Summons and Complaint is attached as **Exhibit A**.
3. Plaintiff claims in Count I of its Complaint that it is entitled to declaratory judgment pursuant to Wisconsin Statutes § 806.04 relating to certain insurance policies Colony issued to Plaintiff. (*See Exhibit A.*)
4. **JURISDICTION:** Pursuant to 28 U.S.C. § 1441, removal is appropriate because the United States District Court has original jurisdiction over this case by reason of diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

5. Defendant Colony Insurance Company is incorporated under the laws of the State of Virginia, with its principle place of business located in Chicago, Illinois.

6. Plaintiff The Probst Group, L.L.C. is a limited liability company organized and existing under the laws of the State of Wisconsin, with its principal place of business located in Brookfield, Wisconsin.

7. The amount in controversy exceeds the sum or amount of \$75,000, exclusive of interest or costs, based on Colony's insurance policy issued to Plaintiff and identified in Plaintiff's Complaint, which contain an "each occurrence" insurance coverage limit of \$1,000,000. (*See Exhibit A* at ¶ 6.)

8. **Timing:** Pursuant to 28 U.S.C. § 1446(b), fewer than thirty (30) days have elapsed since October 3, 2023, when Plaintiff served Colony with the Summons and Complaint.

9. Simultaneous with the filing of this Notice of Removal, Colony has notified the Dane County Circuit Court of removal of this action. No other process, pleadings, or orders have been served or filed in this action.

10. True and correct copies of the Notice of Removal (with accompanying **Exhibit A**) and the Notice of Filing of Notice of Removal directed to the Dane County Circuit Court, State of Wisconsin (attached as **Exhibit B**), shall be served upon Plaintiff's counsel and filed with the Clerk of Court of the Dane County Circuit Court, State of Wisconsin, on this date, in accordance with the provisions of 28 U.S.C. § 1446(d).

WHEREFORE, Colony respectfully requests that this action, now pending in the Dane County Circuit Court, State of Wisconsin, be removed to the United States District Court for the Western District of Wisconsin.

Dated: November 2, 2023

MEAGHER + GEER, P.L.L.P.
(Counsel for Defendant Colony Insurance Company)

Electronically signed by Stacy A. Broman
Stacy A. Broman, WISB#1041686
Charles J. L. Jaskolski, WISB#1131384

Address:
33 South Sixth Street, Ste. 4300
Minneapolis, MN 55402
Tel: (612) 338-0661
Fax: (612) 338-8384
Email: sbroman@meagher.com
cjaskolski@meagher.com